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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DONALD KARL POOLE, JR.,

13 Defendant.

Case No. CR09-5348RJB

ORDER DENYING MOTION TO
DISMISS INDICTMENT

14 This matter comes before the court on Defendant's Motion to Dismiss Indictment Based on
15 (1) The Statute's Unconstitutionality Under the Interstate Commerce Clause; (2) Washington's
16 Failure to Implement SORNA; (3) Violation of Due Process; (4) Violation of Nondelegation
17 Doctrine (Dkt. 18). The court is familiar with the records and files herein and documents filed in
18 support of and in opposition to the motion.

19 The Indictment (Dkt. 11) reads as follows:

- 20 4. Beginning on a date unknown, but not later than on or about July 30, 2007,
21 and continuing until on or about April 20, 2009, in Spanaway, Within the
22 Western District of Washington, and elsewhere, DONALD KARL POOLE,
23 JR., an individual required to register and update registration pursuant to the
Sex Offender Registration and Notification Act, and who had traveled in
interstate commerce, did knowing fail to register and update his sex offender
registration.

24 All in violation of Title 18, United States Code, Section 2250(a).
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1 The issues raised by the defense in this motion are identical to issues addressed by Chief
2 District Judge Robert S. Lasnik, in this District, in the case of United States of America v. Keith
3 Dwayne Crum, Cause No. CR08-255RSL, 2008 WL 4542408 (W.D. WA). Judge Lasnik's opinion
4 contained in his order in the Crum case, is not binding on the undersigned or other District Judges,
5 and often District Judges come to different opinions based upon the same issues. The opinions of
6 colleagues in similar cases is, however, reviewed by District Judges for persuasiveness, along with all
7 of the other argument, law and facts presented.

8 In the instant case, the undersigned finds that Judge Lasnik in Crum is persuasive on all of the
9 issues raised by the defendant, and should here be followed. There is no reason to write an
10 additional lengthy opinion on all of these issues. This court adopts the legal analysis and conclusions
11 of Judge Lasnik in the Crum case as applied to Mr. Poole in the case before the court. Accordingly,
12 Mr. Poole's Motion to Dismiss should be denied.

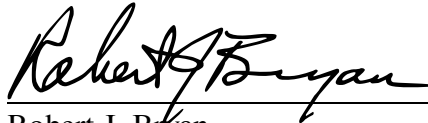
13 The court wishes to make one further observation about this matter. Although 18 U.S.C. §
14 2250(a) references the Sex Offender Registration Notification Act, it is a "stand alone" criminal
15 statute, and is not dependent on all parts of the Sex Offender Registration and Notification Act being
16 completed and followed. 18 U.S.C. § 2250(a) simply borrows portions of the Sex Offender
17 Registration and Notification Act, rather than repeating them fully, and also borrows from state sex
18 offender registration systems, to require registration with an appropriate state register upon moving,
19 regardless of whether a particular state has completed its federal obligations under the Sex Offender
20 Registration and Notification Act.

21 For the foregoing reasons, it is now

22 ORDERED that Defendant's Motion to Dismiss Indictment Based on (1) The Statute's
23 Unconstitutionality Under the Interstate Commerce Clause; (2) Washington's Failure to Implement
24 SORNA; (3) Violation of Due Process; (4) Violation of Nondelegation Doctrine (Dkt. 18) is
25 DENIED.

1 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of
2 record and to any party appearing *pro se* at said party's last known address.

3 DATED this 14th day of July, 2009.

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6 Robert J. Bryan
7 United States District Judge
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